

RAL RESOURCES
COMMISSION
RY C. BARTNIK
RY DEVUYST
L EISELE
ES P. HILL
ID HOLLI
Y M. SPANO
CAN B. TATTER



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

ROLAND HARMES, Director

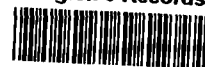
SOUTHEAST MICHIGAN DISTRICT HEADQUARTERS
Waste Management Division
38980 Seven Mile Road
Livonia, Michigan 48152

October 27, 1993

CERTIFIED MAIL

Mr. Robert Weed
Durako Paint Company
288 East Maple Rd.
Suite #119
Birmingham, Michigan 48009

EPA Region 5 Records Ctr.



208041

RE: Second Letter of Warning

Dear Mr. Weed:

On May 27, 1993, staff of the Michigan Department of Natural Resources (MDNR) conducted an inspection of your facility located at 6315 E. Seven Mile Road, Detroit, Michigan.

The inspection revealed that your facility was in violation of the Michigan Hazardous Waste Management Act, Public Act 64 of 1979, as amended, MCL 299.501 et seq (Act 64) and Subtitle C of the Federal Resource Conservation and Recovery Act of 1976 (RCRA), as amended, and any regulations promulgated pursuant to these Acts. As a result, this office sent your facility a deficiency letter dated June 7, 1993, specifying the observed violations and actions to be taken by your company. The response date in the letter by which time the company was to have responded regarding correction of all violations was June 30, 1993. You requested an extension to July 14, 1993 and all attempts to reach you have not succeeded. To date, the necessary correspondence concerning corrective actions for all of the violations has not been received.

Specifically,

1. The floor was wet and had puddles of liquid everywhere. You indicated it might have been as a result of some broken pipes. You must clean up and dispose of this wastewater properly, making sure nothing goes down the sewer until you have obtained an approval from the Detroit Wastewater Treatment Plant.

Mr. Robert Weed
MID005326673
October 27, 1993
Page 2 of 3

2. 40 CFR 261.33. and 40 CFR 261.2(d)(4). By not using through recycling or gradual reuse, 75% of the total accumulated useable goods in a calendar year. The drums in your facility must be disposed of in the proper way. You cannot accumulate these drums indefinitely.
3. Some of the containers in the yard were dented, rusty and left open to accumulate water. They are in violation of 40 CFR 265.171 and Act 245. You are hereby required to clean up the backyard, remove the empty drums and dispose of the waste properly.
 - b. The soil in the backyard had been discolored by an unknown substance. You must make sure the backyard is cleaned up and all the discolored soil and dirt are removed and disposed of properly.
4. There were over 500 containers of what you called paint products: some were open containers, dented, rusty and in violation of 40 CFR 265.171. You are hereby requested to analyze their content as required in Rule 302: 40 CFR 262.11 and dispose of them appropriately. You must send with your response, all records of analysis and the disposition of these waste.

Therefore, this letter is to inform you that this matter will be reviewed for possible enforcement actions and for penalty assessment pursuant to either Section 3008 of RCRA and/or Section 299.548 of Act 64. Submittal of any documentation to verify correction of the aforementioned outstanding violations should be submitted as soon as possible.

Section 299.548 of Act 64, states, "A person who transports, treats, stores, disposes, or generates hazardous waste in violation of this act, or contrary to a permit, order, or rule issued or promulgated under this act, or who makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice or report required by the terms and conditions of an issued permit, or a person who violates section 44(5), is guilty of a misdemeanor, punishable by a fine of not more than \$25,000.00 for each instance of violation and, if the violation is continuous, for each day of violation, or imprisonment for not more than 1 year, or

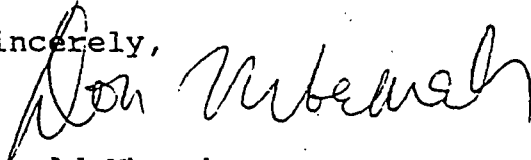
Mr. Robert Weed
MID005326673
October 27, 1993
Page 3 of 3

both. If the conviction is for a violation committed after a first conviction of the person under this subsection, the person is guilty of a misdemeanor, punishable by a fine of not more than \$50,000.00 for each instance of violation and, if the violation is continuous, for each day of violation, or by imprisonment for not more than 2 years, or both."

This Letter of Warning does not preclude nor limit the MDNR's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions please contact me.

Sincerely,



Donald Mbamah
Environmental Quality Analyst
Waste Management Division
313-953-1407

DM/dm
cc: B. Okwumabua

PL47619648

ROBERT WEED
DURAKO PAINT COMPANY
288 E. MAPLE
SUITE 119
BIRMINGHAM, MI 48009

4b. Service Type

☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

11-1-93

5. Signature (Addressee)

Robert Weed

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 * U.S. GPO: 1991-287-088

DOMESTIC RETURN RECEIPT